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10/066,126	01/30/2002	Sylvia Tidwell Scheuring		5686

7590

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/066,126

**Applicant(s)**

SCHEURING ET AL.

**Examiner**

Susanna M. Diaz

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This non-final Office action is responsive to Applicant's election filed September 18, 2006.

Applicant has elected Group I (claims 1-13) without traverse. Non-elected claims 14-18 stand as withdrawn.

Claims 1-13 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. (US 2002/0045154 A1).

Wood discloses a method, comprising:

[Claim 1] inputting, by a user, consumer information into a user interface, the consumer information consisting of a data set describing a consumer specified by the user (¶¶ 75-146, 150, 177, 352-355 -- A third party or the consumer can enter consumer information. It should also be noted that the claim does not preclude the user and the consumer from being one and the same person);

translating, by a computer system, the consumer information into a digital portrait (¶¶ 70, 75, 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile);

determining, by a computer system, usage patterns and product purchase patterns of the user over a predetermined time period (¶¶ 146-148, 261, 292, 295, 343 -  
- A user's behavior may be observed during the time period of a session); and

updating, by a computer system, the digital portrait based upon the determined usage patterns and product purchase patterns (¶¶ 178, 343 -- Consumer profile information is updated);

[Claim 2] wherein the consumer information comprises personality indicators corresponding to personality aspects of the consumer (¶¶ 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile);

[Claim 3] wherein the personality aspects include predetermined personality aspects to which weights are assigned that correspond to the inputting (¶¶ 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile; ¶¶ 150, 188-195, 258, 319, 333, 349 -  
- Different questions corresponding to the user's profile can be weighted differently);

[Claim 4] wherein the user interface comprises a plurality of personality selector means with which the user can assign weights to predetermined personality aspects according to the user's perception of the consumer's personality (¶¶ 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored

Art Unit: 3694

electronically, i.e., digitally, as a consumer profile; ¶¶ 150, 188-195, 258, 319, 333, 349 -

- Different questions corresponding to the user's profile can be weighted differently);

[Claim 5] wherein the user interface further comprises a personality profiler means for presenting to the user a representation of one or more of the personality aspects of the consumer according to the corresponding weights currently assigned by the user to the aspects (¶¶ 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile; ¶¶ 150, 188-195, 258, 319, 333, 349 -- Different questions corresponding to the user's profile can be weighted differently; ¶ 285 -- Content relating to, or representing, the user's personality type is displayed for the user);

[Claim 6] wherein the representation comprises *at least one of* a two dimensional graphic and a three dimensional graphic including graphical elements that are accentuated or subdued according to the corresponding weights currently assigned by the user to the aspects (¶¶ 295-296 -- Displayed information is presented as a two dimensional graphic. The displayed content is dependent on the user's profile information, which may be based on answers to weighted questions. Displayed content may include "graphic representations of the scores, the title of the node or classification, and descriptive text of the user's personality classification." By displaying select content, that particular content is accentuated in relation to content that has been decided to be of lesser interest to a user. The weights help to determine which content is likely to be of greater importance to a user);

Art Unit: 3694

[Claim 7] wherein at least one of the personality aspects and the personality selector means corresponds to at least one of an ethnicity, culture and age of the user (¶¶ 79-80, 88, 100-101, 181-192);

[Claim 8] wherein at least one of the personality aspects and the personality selector means corresponds to at least one of an ethnicity, culture and age of the consumer (¶¶ 79-80, 88, 100-101, 181-192);

[Claim 9] wherein the translating includes applying a mathematical algorithm to create a set of digital values corresponding to personality aspects of the consumer (¶¶ 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile).

Wood discloses a system, comprising:

[Claim 10] a networked device means including a user interface that is capable of accepting consumer information from a user, the consumer information including a set of data describing a consumer specified by the user (¶¶ 67, 75-146, 150, 177, 352-355 -  
- A third party or the consumer can enter consumer information. It should also be noted that the claim does not preclude the user and the consumer from being one and the same person);

a consumer portrait tool means, coupled to the networked device means via an interconnected network, for translating the consumer information into a mathematical form (¶¶ 67, 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile);

Art Unit: 3694

a consumer portrait analyzer means, coupled to the consumer portrait tool means, for creating a digital consumer portrait from the mathematical form (¶¶ 67, 70, 75, 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile); and

a usage monitor means, coupled to the consumer portrait analyzer means, for determining usage patterns and product purchase patterns of the user over a predetermined time period, and for providing the determined usage patterns and product purchase patterns to the consumer portrait analyzer for updating the digital consumer portrait (¶¶ 67, 70, 75, 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile; ¶¶ 178, 343 -- Consumer profile information is updated);

[Claim 11] wherein the consumer information includes weighted personality aspects of the consumer (¶¶ 178, 181-192 -- Consumer information is scored, mapped to a personality scheme, and stored electronically, i.e., digitally, as a consumer profile; ¶¶ 150, 188-195, 258, 319, 333, 349 -- Different questions corresponding to the user's profile can be weighted differently);

[Claim 12] a storage means for storing a plurality of predetermined digital consumer portraits to form a portrait gallery controlled by the user (¶¶ 70, 178, 352-365 -- In the scenario in which the user is a third party administrator, the third party administrator can set up profiles for each member of a group of participants);

[Claim 13] a storage means for storing a pointer to specific components of a digital consumer portrait to form a silhouette (¶¶ 70, 178, 182 -- A digital consumer portrait

comprises various nodes that may be defined by dimensions. Each of these nodes and/or corresponding dimensions (or a combination thereof) may represent a silhouette of the digital consumer portrait that may be accessed via a database).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zommers (US 2006/0031114) -- Discloses an interactive personal information system and method that delivers personalized information to users (abstract).

Liu et al. (U.S. Patent No. 6,839,680) -- Discloses an Internet profiling system for targeting content to Internet users.

Herz (U.S. Patent No. 6,029,195) -- Discloses a system that targets content to users based on user profiles that include purchase history and psychological data.

Tuzhilin et al. (U.S. Patent No. 6,871,186) -- Discloses a system and method for dynamic profiling of users in one-to-one applications and for validating user rules.

Williams et al. (U.S. Patent No. 6,658,391) -- Discloses a strategic profiling system for understanding and predicting customer behavior based on customer personalities.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.



Art Unit: 3694

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3694

November 25, 2006